

**AN ORDINANCE AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR TO SEEK BIDS FOR REFUSE COLLECTION AND CURBSIDE RECYCLING PROGRAM FOR THE VILLAGE OF COMMERCIAL POINT EFFECTIVE JANUARY 1, 2022 AND FOR THE VILLAGE ADMINISTRATOR TO PRESENT THE LOWEST AND BEST BID TO VILLAGE COUNCIL FOR COUNCIL'S CONSIDERATION, AND DECLARING AN EMERGENCY.**

**WHEREAS**, pursuant to Ohio Revised Code Section 731.141, the Village Council may authorize and direct the Village Administrator to seek bids for work under the Village Administrator's supervision that exceeds fifty thousand dollars (\$50,000) by advertisement for not less than two nor more than four consecutive weeks in a newspaper of general circulation within the Village of Commercial Point or as otherwise provided by Ohio Revised Code Section 7.16, and after publicly opening and reading the bids received at the time, date, and place as specified in the advertisements to bidders or specifications; and

**WHEREAS**, the Village Council is authorized under Ohio Revised Code Section 731.141 to retain the authority to award or not award a contract to the lowest and best bidder after the receipt and public reading of such bids; and

**WHEREAS**, the Village of Commercial Point is authorized to provide for the collection and disposition of refuse pursuant to Ohio Revised Code Section 715.43; and

**WHEREAS**, the current refuse collection and curbside recycling program contract is set to expire on December 31, 2021; and

**WHEREAS**, the Village Council wishes to continue providing for refuse collection and curbside recycling for the residents of the Village of Commercial Point beginning January 1, 2022 and thereafter; and

**WHEREAS**, the Village Council wishes to require all residents to partake in weekly refuse collection, require all new residents on or after January 1, 2022 to participate in weekly curbside recycling, and to allow current residents the choice to opt-in to the weekly curbside recycling program but not require current residents to partake in curbside recycling; and

**WHEREAS**, the Village Council wishes to authorize and direct the Village Administrator to seek bids, in accordance with Ohio Revised Code Section 731.141, to complete the Village Refuse Collection and Curbside Recycling Program to begin January 1, 2022 and then to present to Village Council the lowest and best bid for Council's consideration.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF COMMERCIAL POINT, PICKAWAY COUNTY, OHIO THAT:**

**Section 1. Placing Refuse Collection and Curbside Recycling Program Out to Bid.** The Village Administrator is hereby authorized and directed, in accordance with Ohio Revised Code Section 731.141, to seek contract bids for the Refuse Collection and Curbside Recycling Program that address the specifications described in Section 2 of this Ordinance.

**Section 2. Bid Specifications.** The Village Administrator is hereby authorized and directed to place the Refuse Collection and Curbside Recycling Program out to bid with the following specifications in the bid packet requesting each bidder to submit a bid that addresses the costs of each of the following:

(a) Weekly curbside recycling; and

(b) Weekly refuse collection; and

(c) Refuse collection with curbside recycling as an opt-in option for current residents, and refuse collection and required curbside recycling for all new residents on or after January 1, 2022; and

For purposes of this Section, "new residents" means all residents who move into the Village of Commercial Point on or after January 1, 2022, regardless of whether such residents move into residences constructed before or after January 1, 2022.

The bid specifications shall provide that the Village Council retains the ultimate authority and discretion to award the contract for the Refuse Collection and Curbside Recycling Program after bids are received and read publicly. The specifications shall also provide that the Village Council retains the authority and discretion to decline to award

## ORDINANCE 2021-26

the contract if, in Council's reasonable determination, the lowest and best bidder has provided bid(s) that are unaffordable for Village residents and, therefore, not in the best interests of the Village to enter into any contract.

**Section 3. Presentation of Lowest and Best Bid to Village Council.** After the Village Administrator has completed the process described in Section 1 and Section 2 of this Ordinance, the Village Administrator shall report back to the Village Council with his report as to the lowest and best bidder for the Refuse Collection and Curbside Recycling Program. The Village Administrator shall not award any contract without Council's approval provided via Ordinance or Resolution. Upon presentation of the lowest and best bid by the Village Administrator, Council shall consider the bid and decide whether to award the Refuse Collection and Curbside Recycling Program contract to the lowest and best bidder. Council may decline to award the contract if, in Council's reasonable determination, the lowest and best bidder has provided bid(s) that are unaffordable for Village residents and, therefore, not in the best interests of the Village to enter into any contract. If the Village Council determines that the lowest and best bid is affordable for Village residents and in the best interests of the Village to enter into a contract with the lowest and best bidder for the Refuse Collection and Curbside Recycling Program, the Village Council shall enter into such contract with the lowest and best bidder.

**Section 4. Curbside Recycling.** Any contract awarded under this Ordinance shall require all residents who move into the Village of Commercial Point on or after January 1, 2022 to participate in the curbside recycling program.

**Section 5. Open Meetings Certification.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any other committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**Section 6. Declaration of Emergency; Ordinance Shall Take Immediate Effect.** Because the Village must enter into a contract for refuse collection and curbside recycling program sufficiently in advance of January 1, 2022 to allow enough time for bids to be received and a bid awarded, this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, or welfare in the Village of Commercial Point and shall, therefore, take immediate effect upon passage.

Vote on Suspension of the Readings:

Motion by: Nancy Geiger

2<sup>nd</sup>: Laura Wolfe

Roll Call:

Yes Jason Thompson

Yes Aaron Grassel

Yes Ryan Mitchem

Yes Nancy Geiger

N/A Tracy Joiner

Yes Laura Wolfe

Vote on Passage of the Ordinance:

Motion by: Laura Wolfe

2<sup>nd</sup>: Nancy Geiger

Roll Call:

Yes Jason Thompson

Yes Aaron Grassel

Yes Ryan Mitchem

Yes Nancy Geiger

N/A Tracy Joiner

Yes Laura Wolfe

Adopted this 19<sup>th</sup> day of July, 2021.

  
Allan D. Goldhardt, Mayor

  
Wendy L. Hastings, Fiscal Officer

Approved as to Form:

  
Joshua Cartee, Village Solicitor